

Nadler Remarks on Privileged Resolution

Wednesday, 15 June 2005

WASHINGTON, D.C. – Congressman Jerrold Nadler will raise a question of the privileges of the House this evening regarding recent behavior by Judiciary Chairman Sensenbrenner and Republican abuses of power. Below are his remarks, as prepared for delivery. Following that text is a letter from Democratic Leader Pelosi to Speaker Hastert, directing the Speaker to ask Chairman Sensenbrenner to apologize for his actions.

Statement of Congressman Jerrold Nadler

Privileged Resolution

H.Res. _____

“Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with regret that I must rise again to invoke the privileges of the House, and to defend the Rules and the spirit of simple courtesy and cooperation.

I do not enjoy taking the time of this House away from our important business to do so, but recent events, the willful and repeated disregard for the Rules of this House, the persistent abuse of power by the Chairman of the Judiciary Committee, and the flagrant abuse of the rights of the minority, make this resolution necessary.

As I said the last time I came to the floor for this purpose, it is my fervent hope that this will be the last time it will ever be necessary for me, or any other member, to offer such a resolution, or to rise on a question of personal privilege.

We should be spending our time dealing with the problems and concerns of the American people, but when a chairman abuses his power to stifle debate, members of this House, both Republicans and Democrats, have a duty to defend the honor of this institution and the integrity of its proceedings.

So long as power is abused, rules are ignored and broken, and the rights of members who represent millions of Americans are violated, this House cannot do its job properly. The American people are cheated out of their right to an honest, open, fair, and democratic debate on issues affecting the future of our nation.

That’s why were are here again today.

These are the facts:

The minority is entitled to a day of hearings. It is a right rarely exercised, but it guards against the majority abusing its power to exclude competing views. Call it the 'fair and balanced' rule.

It is not the Chairman's right to determine whether we 'deserve' a hearing; it is not the Chairman's right to decide whether his prior hearings were sufficient; it is not the Chairman's right to decide whether what we say or think is acceptable; and it is certainly never the Chairman's right to violate the rules in order to interfere with our right to conduct a hearing.

The Chairman is entitled to his opinions. He is not entitled to break the rules, abuse his power, and impose his will.

The Chairman permits only one minority witness in each Committee or Subcommittee hearing. I know of no other Committee with this sort of abusive and restrictive rule. No matter what the issue, no matter how complex, no matter how many perspectives there might be, the Chairman does not allow more than one minority witness.

On that basis alone, we have every right to insist on a day of hearings every time, but we do not.

Of course, that's when he allows hearings at all. In this Congress alone, the Chairman has decided that we don't need hearings on such important issues as amendments to the Constitution and a rewrite of our Bankruptcy Code. These are hardly isolated cases.

Is that the way we're supposed to do our job? No need for a hearing. The Chairman wants to do it, so let's just do it. We don't need to look at the facts.

Members have the right to question each witness for five minutes. We checked with the Parliamentarian, that's five minutes for each witness. Yet the Chairman repeatedly refused to recognize members. He also abusively interrupted members and witnesses in mid-sentence. In one case, when a member of the Majority accused a witness of endangering American lives, the Chairman cut off the witness before he could respond.

Of course, the Chairman did not limit himself to five minutes. He recognized himself for an additional five minutes to deride the witnesses and the other members of the Committee, without allowing any response.

Every member of this House serves on committees, and every member of this House knows that this abusive behavior is unheard of. Witnesses should be treated with respect. So should colleagues. I thought we all knew that.

The Chairman failed to recognize members who were attempting to raise points of order. Unheard of. A clear violation of the Rules. A plain abuse of power.

The Chairman simply ended the hearing unilaterally, while members were seeking recognition and attempting to raise a point of order.

The rules require a motion to adjourn, because hearings are not normally ended unilaterally by a Chairman. We consulted with the House Parliamentarian who confirmed that an adjournment motion must be approved by the members of the Committee. The fact that adjournment is not normally contested, because it isn't necessary, does not change the rules.

Finally, the Committee staff, either on the Chairman's instructions, or acting on their own accord, switched off members' microphones, instructed the stenographer to stop recording the hearing, and turned off the electronic transmission of the hearing.

Thanks to C-Span, the rest of the hearing was recorded and broadcast, so the Chairman was unable to censor the minority, and hide our thoughts from the American people, although he tried.

Can any member recall a time when a Member's mic was turned off while he or she was speaking?

Mr. Speaker, it is fair to ask, why should a member of the majority or the public care about adherence to the Rules, or the rights of the minority?

It is simple. Every member represents more than half a million Americans. Every one of those Americans is entitled to a voice in our government. No one should ever be allowed to abuse the power of his office to silence opposing views, or to disenfranchise millions of Americans simply because they chose representatives of a particular party.

The greatness of our nation is our freedom to stand up for what we believe, and to have everyone's voice heard in the halls of government. The arrogance of power, the abuse of power, is a direct threat to our democracy and to our freedom. The rules of the House exist to protect our democracy. Every member of this House, regardless of party, must stand up for this institution and for the democracy it represents."

— Letter from the Democratic Leader —

June 16, 2005

The Honorable J. Dennis Hastert

Speaker

U.S. House of Representatives

H-232 The Capitol

Washington, D.C. 20515

Dear Mr. Speaker,

It is with profound disappointment that I again write to request that as Speaker you ensure that the Majority conducts all proceedings in accordance with the Rules of this House, and that the Majority fosters an atmosphere of civility and comity.

Since my letter to you of May 18th, the Chairman of the Judiciary Committee again violated both the letter and spirit of the House Rules. Last Friday, at a widely-covered hearing that ironically sought to explore the impact of the Patriot Act on civil liberties, the Chairman and his staff attempted to suppress free speech.

Throughout Friday's Judiciary Committee hearing, the Chairman treated Democratic Members and the witnesses with hostility and contempt. He disparaged Democratic Members, refused to entertain points of order, and in violation of the Rules, abruptly adjourned the hearing in a fit of pique. Then the Republican staff tried to silence the Democratic Members by cutting the microphones.

The Chairman's actions at the hearing, as well as his earlier arbitrary scheduling demands, had the effect of rendering meaningless the Minority's right under Rule XI to its day of hearings with its own witnesses. These actions brought discredit upon the House.

Once again, we are faced with the sorry spectacle of a resolution raising a question of the privileges of the House involving the conduct of the Chairman of the Judiciary Committee.

Mr. Nadler's resolution is at heart about a fundamental tenet of our democracy: the rights of the minority to be heard in a meaningful way. It is also about decorum, comity, and respect for each other and for the Rules. I am certain that you agree that the House Rules serve all Members. Ultimately, the Rules of the House are the best defense for all of us. They help our democracy function, and ensure that the voices of millions of Americans are represented.

Turning off the microphones, berating witnesses, disparaging Democratic Members, refusing to hear parliamentary inquiries — these actions cannot and must not be condoned by this House.

The fact that the Republican leadership has remained silent on the latest outrage has not escaped notice by outside observers such as the respected Congressional scholar Norm Ornstein, who is affiliated with the conservative American Enterprise Institute. Mr. Ornstein also wrote that "Jim Sensenbrenner is the new poster child for the arrogance of power run amok."

These blatant violations of the Rules and the ugly displays of disrespect toward Members and witnesses call for action by you and the entire House.

Once again, as the House Democratic Leader, I insist that all Members be treated with the utmost respect and consideration they deserve, and that the Majority, particularly Committee Chairs, comply at all times with the Rules of this House.

I request that you publicly disavow the disgraceful behavior of Chairman of the Judiciary Committee, order Mr. Sensenbrenner to issue an apology to the House, to the witnesses at the hearing, and to the Democratic Judiciary Committee Members, and promise that this shameful behavior will never again happen.

I look forward to your reply. Thank you for your attention to this matter.

Sincerely,

Nancy Pelosi
Democratic Leader

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